

CLOSED, CLOSED_2005, MWP, STAYED

U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK (Rochester)
CIVIL DOCKET FOR CASE #: 6:05-cv-06172-MAT
Internal Use Only

The County of Yates v. Abbott Laboratories, Inc. et al
Assigned to: Hon. Michael A. Telesca
Cause: 28:1331 Fed. Question

Date Filed: 04/14/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

The County of Yates

represented by **Aaron D. Hovan**
Kirby McInerney & Squire, LLP
830 Third Avenue
Suite 10
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joanne M. Cicala
Kirby McInerney & Squire, LLP
830 Third Avenue
Suite 10
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: jcicala@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

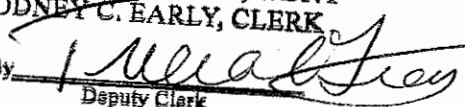
Defendant

Abbott Laboratories, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK
By 
Deputy Clerk

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Purepac Pharmaceutical Co.

Defendant

Amgen, Inc.

Defendant

Immunex Corporation

Defendant

Andrx Corporation

Defendant

AstraZeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Dermik Laboratories, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corporation

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Bristol-Meyers Squibb Company

Defendant

Oncology Therapeutics Network Cor.

Defendant

Ben Venue Laboratories, Inc.

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

Roxane Laboratories, Inc.

Defendant

Dey Inc.

Defendant

Eisai Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corporation

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corporation

Defendant

GlaxoSmithKline P.L.C.

Defendant

**Smithkline Beecham Corporation
doing business as**

Glaxosmithkline

Defendant

Hoffman-La Roche, Inc.

Defendant

Roche Laboratories, Inc.

Defendant

Ivax Corporation

Defendant

Ivax Pharmaceuticals Inc.

Defendant

Johnson & Johnson

Defendant

McNeil-PPC, Inc.

Defendant

Ortho Biotech Products, LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

King Pharmaceuticals, Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

MedImmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

Novartis Pharmaceuticals Corporation

Defendant

Sandoz, Inc.

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Greenstone, LTD

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Reliant Pharmaceuticals, LLC

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Schering Corporation

Defendant

Warrick Pharmaceuticals Corporation

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant



Wyeth




Defendant

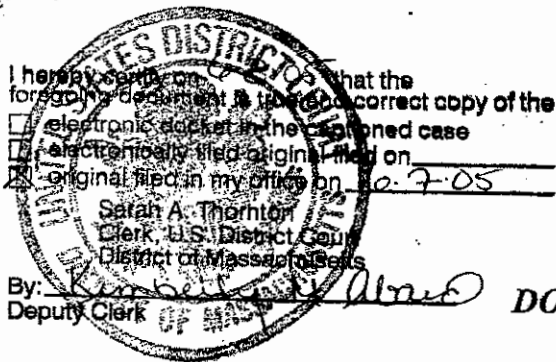
Boehringer Ingelheim Corporation

Defendant

Janssen Pharmaceutica Products, LP

Date Filed	#	Docket Text
04/13/2005	 <u>1</u>	COMPLAINT against all defendants (Filing fee \$ 250 receipt number 65720.), filed by The County of Yates. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(TO,) (Entered: 04/14/2005)
04/13/2005		Summons Issued as to all defendants (Entered: 04/14/2005)
04/13/2005		***Standby Magistrate Judge, ***Set/Clear Flags (TO,) (Entered: 04/14/2005)
04/13/2005		***Party Boehringer Ingelheim Pharmaceuticals, Inc., and Roxane Laboratories, Inc., and Dey Inc., and Eisai Inc., and Eli Lilly and Company,

		and Endo Pharmaceuticals, Inc., and Ethex Corporation, and Forest Laboratories, Inc., and Forest Pharmaceuticals, Inc., and Fujisawa Healthcare, Inc., and Fujisawa USA, Inc., and Genentech, Inc., and Genzyme Corporation, and GlaxoSmithKline P.L.C., and Smithkline Beecham Corporation, and Hoffman-La Roche, Inc., and Roche Laboratories, Inc., and Ivax Corporation, and Ivax Pharmaceuticals Inc., and Johnson & Johnson, and McNeil-PPC, Inc., and Ortho Biotech Products, LP, and Ortho-McNeil Pharmaceutical, Inc., and King Pharmaceuticals, Inc., and Monarch Pharmaceuticals, Inc., and MedImmune, Inc., and Merck & Co., Inc., and Mylan Laboratories, Inc., and Mylan Pharmaceuticals, Inc., and UDL Laboratories, Inc., and Novo Nordisk Pharmaceuticals, Inc., and Novartis Pharmaceuticals Corporation, and Sandoz, Inc., and Organon Pharmaceuticals USA, Inc., and Par Pharmaceutical, Inc., and Agouron Pharmaceuticals, Inc., and Par Pharmaceutical, Inc., and Agouron Pharmaceuticals, Inc., and Greenstone, LTD, and Pfizer, Inc., and Pharmacia Corporation, and Purdue Pharma, L.P., and Reliant Pharmaceuticals, LLC, and Sanofi-Synthelabo, Inc., and Schering-Plough Corp., and Schering Corporation, and Warrick Pharmaceuticals Corporation, and Takeda Pharmaceuticals North America, Inc., and Tap Pharmaceutical Products, Inc., and Teva Pharmaceutical USA, Inc., and UCB Pharma, Inc., and Watson Pharma, Inc., and Watson Pharmaceuticals, Inc., and Wyeth added. (TO,) (Entered: 04/22/2005)
05/11/2005	 <u>2</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Michael A. Telesca for all further proceedings. Judge Charles J. Siragusa no longer assigned to case. Signed by Hon. Richard J. Arcara on 05/11/2005. (Baker, J.) (Entered: 05/11/2005)
05/31/2005	 <u>3</u>	ORDER STAYING CASE pending the resolution of the transfer issue by the panel on multidistrict litigation. Signed by Hon. Michael A. Telesca on 5/31/05. (TO,) (Entered: 06/02/2005)
06/10/2005	 <u>4</u>	ORDER MDL ORDER transferring the action to the Panel at the US District Court for the District of Massachusetts. Signed by Clerk of the Panel on 5/31/05.(TO,) (Entered: 07/22/2005)
07/22/2005		***Set/Clear Flags, ***Civil Case Terminated. (TO,) (Entered: 07/22/2005)

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FILED

MAY 12 2005

FILED
CLERK'S OFFICEBy: *[Signature]*
Deputy Clerk

DOCKET NO. 1456

U.S. DISTRICT COURT
DISTRICT OF MASS**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-21)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

*Michael J. Beck*ATTEST: A TRUE COPY
U.S. DISTRICT COURT, Clerk of the Panel
RODNEY C. EARLY, CLERKBy: *[Signature]*
Deputy Clerk

Original Filed

6/10/05

FILED
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, Inc., et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.